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cc_cejudice

Ordered by Atty.: JASON E FONTENOT

CITATION**KENNETH BERNARD****FIFTEENTH JUDICIAL DISTRICT COURT****VS****DOCKET NUMBER: C-20153980 C****DOLGENCORP LLC, ET AL****PARISH OF LAFAYETTE, LOUISIANA****STATE OF LOUISIANA**

**TO: DOLGENCORP LLC DBA DOLLAR GENERAL
THROUGH ITS REGISTERED AGENT
CORPORATION SERVICE COMPANY
320 SOMERULOS STREET
BATON ROUGE, LA 70802**

of the Parish of EAST BATON ROUGE

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, (exclusive of exhibits). You should file an answer or other pleading to said petition in the office of the Clerk of the FIFTEENTH JUDICIAL DISTRICT COURT, in the Lafayette Parish Courthouse, LAFAYETTE, Louisiana, within fifteen (15) days after the service hereof. Alternatively, your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

Witness the Honorable Judges of said Court, this AUGUST 28, 2015.


Deputy Clerk of Court
Lafayette Parish

*Additionally, you are hereby served with the following attached documents and ordered to comply with same:

**PETITION FOR DAMAGES, REQUEST FOR NOTICE OF TRIAL DATE ETC, AND
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

**SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF**

DATE SERVED: _____, 20____ TIME: _____

SERVED: _____

PERSONAL () _____

DOMICILIARY () ON _____

UNABLE TO LOCATE _____ MOVED () _____ NO SUCH ADDRESS () _____

OTHER REASON: _____

RECEIVED TOO LATE FOR SERVICE () _____

SERVICE OF WITHIN PAPERS _____

COSTS FEE \$ _____ MILEAGE \$ _____ TOTAL \$ _____

DEPUTY _____



KENNETH BERNARD

15TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO: 20153980C

**DOLGENCORP, LLC, dba DOLLAR
GENERAL, AND ABC INSURANCE
COMPANY**

LAFAYETTE PARISH, LOUISIANA

PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes **KENNETH BERNARD**, a person of the full age of majority and domiciliary of the Parish of Lafayette, State of Louisiana, who respectfully petitions this Honorable Court as follows:

1.

**SERVICE
COPY**

Made Defendants herein are:

- A) **DOLGENCORP, LLC, dba DOLLAR GENERAL**, believed to be a foreign corporation, organized under the corporation laws of the State of New York, authorized to do and doing business in the State of Louisiana; who at all times pertinent herein operated a store located at 2325 Highway 93, Carencro, Louisiana 70520, and whose registered agent for service of process is Corporation Service Company, 320 Somerulos Street, Baton Rouge, LA 70802; AND
- B) **ABC INSURANCE COMPANY**, a fictitious insurer, whose name is not currently known, and who is believed to be a foreign insurer, licensed to do and doing business within the State of Louisiana, who, at all times relevant herein provided a policy of liability insurance coverage for **DOLGENCORP, LLC, dba DOLLAR GENERAL**, whose registered agent for service of process is not known at this time.

2.

On or about April 25, 2015, **KENNETH BERNARD** was an invited guest in and on the premises of the **DOLGENCORP, LLC, dba DOLLAR GENERAL**, store number 11270 located at 2325 Highway 93, Carencro, Louisiana 70520, and upon information and belief, the defendant tortfeasor, **DOLGENCORP, LLC, dba DOLLAR GENERAL**, at all times pertinent herein had care, custody, and control of the premises.

3.

At the same time and date set out in the preceding paragraph, while on the premises of the **DOLGENCORP, LLC, dba DOLLAR GENERAL**, store located at 2325 Highway 93, Carencro, Louisiana, **KENNETH BERNARD** slipped on a liquid substance which was present on the floor, causing the petitioner to fall, which resulted in injuries to the petitioner. The condition of said floor created an unreasonable risk of harm, of which **DOLGENCORP, LLC, dba DOLLAR GENERAL**, had actual or constructive notice of the condition prior to the accident, and thereby failed to exercise reasonable care in preventing the accident establishing liability pursuant to La C.C. Art. 2317, and/or La C.C. Art. 2317.1.

4.

The incident referred to above, and the resulting injury and damages, were caused either jointly and/or solely and/or proximately by the fault and negligence of the following defendants, said fault and negligence consisted of the following:

DOLGENCORP, LLC, dba DOLLAR GENERAL

- A. Negligently failing to exercise reasonable care to properly inspect the premises;
- B. Negligently failing to use reasonable care to keep the premises within **DOLGENCORP, LLC, dba DOLLAR GENERAL**, free from defects and safe so said premises did not pose a risk to invited guests;
- C. Negligently failing to exercise reasonable care to keep the premises free of hazardous conditions;
- D. Negligently failing to exercise reasonable care to repair/replace defective flooring;
- E. Negligently allowing a hazardous condition to exist on the premises within **DOLGENCORP, LLC, dba DOLLAR GENERAL**, creating an unreasonable and foreseeable risk and hazard of injury to **KENNETH BERNARD**;
- F. Vicarious liability for the negligent actions of its employees;
- G. Negligently failing to exercise reasonable care in warning invited guests and patrons of the potential for injury as a result of the unsafe and dangerous conditions; as well as failing to warn of the defective and dangerous condition on the premises and failing to provide a remedy to invited guests for preventing injuries arising from the dangerous and defective condition to similarly situated persons;
- H. Any and all acts of fault or negligence which will be revealed during discovery and/or proven at the trial of this matter.

5.

Petitioner, **KENNETH BERNARD**, was totally free from any fault whatsoever in contributing to the incident occurring on or about April 25, 2015.

6.

At all pertinent times herein, **ABC INSURANCE COMPANY**, provided a policy of general liability insurance to the defendant tortfeasor, **DOLGENCORP, LLC, dba DOLLAR GENERAL**, for all acts of negligence committed by the employees of **DOLGENCORP, LLC, dba DOLLAR GENERAL** or others for whom this defendant is responsible, and said policy provides liability coverage for the incident forming the subject matter of this litigation occurring on April 25, 2015, and for the injuries and damages sustained by **KENNETH BERNARD** herein.

7.

As a result of said incident, **KENNETH BERNARD** sustained severe and disabling injuries including but not limited to:

- A) Injuries to his right hip;
- B) Injuries to his right thigh;
- C) Injuries to his right knee;
- D) Injuries to his bones, muscles, tendons, ligaments and his body as a whole;
- E) Injuries to his psychological well-being;
- F) Any and all other injuries which may be established at the trial of this matter.

8.

As a result of the accident and injuries referred to above, **KENNETH BERNARD** has sustained damages which he itemizes as follows:

- A) Medical expenses (past and future);
- B) Physical pain and suffering (past and future);
- C) Mental anguish and suffering (past and future);
- D) Loss of enjoyment of life and inconvenience;
- E) Lost wages and lost earning capacity (past and future); and
- F) Any and all other elements of damages which may be revealed during discovery or proven at the trial of this matter.

9.

The parties have been unable to resolve their differences, despite repeated, amicable demand.

10.

Based on information and belief, petitioner, **KENNETH BERNARD**, sustained injuries exceeding the jurisdictional limit for trial by jury.

11.

Plaintiff is a citizen of this state and due to his poverty and lack of means, is unable to pay the present and future costs of this litigation, or to give bond for payment of same, and he is therefore entitled to all benefits and provisions of the Louisiana Code of Civil Procedure, Article 5181, et seq., which provides for lawsuits *in forma pauperis*.

WHEREFORE, premises considered, the petitioner, **KENNETH BERNARD**, respectfully prays that this petition be deemed good and sufficient and that true and accurate


copies of same be served upon all named defendants herein, namely, **DOLGENCORP, LLC, dba DOLLAR GENERAL, AND ABC INSURANCE COMPANY**, thereafter requiring said defendants to answer the petition within the legal delays allowed by law, and that after all legal delays and due proceedings are had, that there be judgment herein in favor of the petitioner, **KENNETH BERNARD**, and against defendants, **DOLGENCORP, LLC, dba DOLLAR GENERAL AND ABC INSURANCE COMPANY** in an amount of damages commensurate with those sustained, as a result of the incident of April 25, 2015, together with legal interest thereon from the date of judicial demand, until paid in full, and for all just, general and equitable relief.

Plaintiff further prays that he be allowed to proceed *in forma pauperis*.

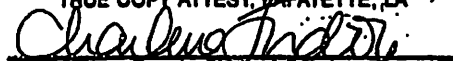
RESPECTFULLY SUBMITTED,

JASON E. FONTENOT
A PROFESSIONAL LAW CORPORATION
401 Audubon Boulevard, Suite 211-B
Post Office Drawer 52307
Lafayette, LA 70505
(337) 234-7355 – Telephone
(337) 234-9510 – Facsimile

By:


JASON E. FONTENOT (#27806)
ATTORNEY FOR PETITIONER,
KENNETH BERNARD

FILED THIS 13 DAY OF Aug, 2015
TRUE COPY ATTEST, LAFAYETTE, LA


Deputy Clerk of Court

PLEASE SERVE:

DOLGENCORP, LLC, dba DOLLAR GENERAL
Through its registered agent,
Corporation Service Company
320 Somerulos Street
Baton Rouge, LA 70802

KENNETH BERNARD

15TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO: _____

**DOLGENCORP, LLC, dba DOLLAR
GENERAL, AND ABC INSURANCE
COMPANY**

LAFAYETTE PARISH, LOUISIANA

REQUEST FOR NOTICE OF TRIAL DATE, ETC.

Pursuant to Article 1572 of the Louisiana Code of Civil Procedure, **KENNETH BERNARD**, hereby requests written notice of the date set for trial of the above numbered and entitled cause, as well as notice of hearings (whether on the merits or otherwise), pleadings, motions, orders, judgments, and interlocutory decrees, and any and for all formal steps taken by any of the parties herein, the Judge or any member of the court, at least ten (10) days before any trial or hearing date.

We also request notice of the signing of any final judgment or rendition of any interlocutory order or judgment in said cause as provided by Articles 1913 and 1914 of the Louisiana Code of Civil Procedure.

RESPECTFULLY SUBMITTED:

**JASON E. FONTENOT
A PROFESSIONAL LAW CORPORATION
Post Office Drawer 52307
Lafayette, LA 70502-2307
(337) 234-7355 - Telephone
(337) 234-9510 - Facsimile**

By: _____

**JASON E. FONTENOT (#27806)
ATTORNEY FOR PETITIONER,
KENNETH BERNARD**

FILED THIS 13 DAY OF Aug, 2015
TRUE COPY ATTEST, LAFAYETTE, LA
Chaille Indelicato
Deputy Clerk of Court



cc_cejudice

Ordered by Atty.: JASON E FONTENOT

CITATION

KENNETH BERNARD.

FIFTEENTH JUDICIAL DISTRICT COURT

VS

DOCKET NUMBER: C-20153980 C

DOLGENCORP LLC, ET AL

PARISH OF LAFAYETTE, LOUISIANA

STATE OF LOUISIANA

**TO: DOLGENCORP LLC DBA DOLLAR GENERAL
THROUGH ITS REGISTERED AGENT
CORPORATION SERVICE COMPANY
320 SOMERULOS STREET
BATON ROUGE, LA 70802**

of the Parish of EAST BATON ROUGE

You are hereby cited to comply with the demand contained in the petition, a certified copy of which accompanies this citation, (exclusive of exhibits). You should file an answer or other pleading to said petition in the office of the Clerk of the FIFTEENTH JUDICIAL DISTRICT COURT, in the Lafayette Parish Courthouse, LAFAYETTE, Louisiana, within fifteen (15) days after the service hereof. Alternatively, your failure to comply herewith will subject you to the penalty of entry of default judgment against you.

Witness the Honorable Judges of said Court, this AUGUST 28, 2015.

Charlene Indre
Deputy Clerk of Court
Lafayette Parish

*Additionally, you are hereby served with the following attached documents and ordered to comply with same:

**PETITION FOR DAMAGES, REQUEST FOR NOTICE OF TRIAL DATE ETC, AND
INTERROGATORIES AND REQUESTS FOR PRODUCTION OF DOCUMENTS**

SHERIFF'S RETURN
LAFAYETTE PARISH SHERIFF

DATE SERVED: _____, 20____

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PERSONAL () _____

DOMICILIARY () ON _____

UNABLE TO LOCATE _____

MOVED () _____

OTHER REASON: _____

RECEIVED TOO LATE FOR SERVICE () _____

SERVICE OF WITHIN PAPERS _____

COSTS FEE \$ _____ MILEAGE \$ _____ TOTAL \$ _____

DEPUTY _____

SEP 17 2015

Time service on the named party through the
Corporation Services

by tendering a copy of this document to
JEANNINE SCHULTE
PAULA GLASER

☒ JARY CLAFUN
Lafayette Parish, Louisiana

Lafayette Parish Clerk of Court
Filed This Day

SEP 25 2015

By: Clerk of Court

EXHIBIT

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KENNETH BERNARD

15TH JUDICIAL DISTRICT COURT

VERSUS

DOCKET NO: 2015-3980-C

DOLGENCORP, LLC, dba DOLLAR
GENERAL, AND ABC INSURANCE
COMPANY

LAFAYETTE PARISH, LOUISIANA

FIRST SUPPLEMENTAL AND AMENDING PETITION FOR DAMAGES

NOW INTO COURT, through undersigned counsel, comes **KENNETH BERNARD**, a person of the full age of majority and resident domiciliary of the Parish of Lafayette, State of Louisiana, who wishes to supplement and amend the original Petition for Damages filed herein in the following respects:

I.

Petitioner wishes to supplement and amend paragraph 10 of the original Petition for Damages, and said amendments are to read as follows:

"10.

Based on information and belief, petitioner, **KENNETH BERNARD**, sustained damages exceeding \$50,000.00."

WHEREFORE, Petitioner reiterates and reavers the allegations and Prayer contained in his original Petition for Damages, and prays further that she be allowed to file this First Supplemental and Amending Petition for Damages and that a copy of same be served upon the defendant according to law, and that after all due proceedings are had, that there be judgment in plaintiff's favor and against the defendant, **DOLGENCORP, LLC, dba DOLLAR GENERAL, AND ABC INSURANCE COMPANY**, in an amount commensurate with all damages and injuries he has sustained in as a result of the incident of April 25, 2015, together with legal interest from the date of judicial demand, until paid in full, and for all costs of these proceedings, and for all just, general and equitable relief, attorney's fees, penalties, and costs of court.

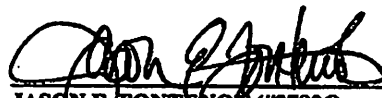
EXHIBIT

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C

RESPECTFULLY SUBMITTED,

JASON E. FONTENOT
A PROFESSIONAL LAW CORPORATION
401 Audubon Boulevard, Suite 211-B
Post Office Drawer 52307
Lafayette, LA 70505-2307
(337) 234-7355 - Telephone
(337) 234-9510 - Facsimile


JASON E. FONTENOT (#27806)
ATTORNEY FOR PETITIONER,
KENNETH BERNARD

SERVICE INFORMATION:

DOLGENCORP, LLC
through its attorney of record,
Kathryn T. Trew
McCranie, Sistrunk, Anzelmo, Hardy, McDaniel, & Welch, LLC
909 Poydras Street, Suite 1000
New Orleans, LA 70112

FILED THIS 5

DAY OF Oct, 2015


Deputy Clerk of Court